

REMARKS

Claims 1-27 were pending in the present application. Claims 11, 12, 15, 16, and 23 were cancelled. Claims 1, 17, 26 and 27 were amended. Accordingly, claims 1-10, 13-14, 17-22, and 24-27 are now pending in the present application.

Claims 1, 3-6, 12, 15, and 16 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-6, 10, 13, and 14 of co-pending Application Number 09/963,891. Applicant has herewith filed a Terminal disclaimer in compliance with 37 C.F.R. §1.321(c) to obviate the rejection. However, per MPEP §804.02, Applicant notes that the filing of the Terminal disclaimer is not an admission of the propriety of the rejection.

Claims 1-11, 13-15, 17-22, and 24-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by Suzuki et al. (U.S. Patent Application Number 2001/0056553) (hereinafter “Suzuki”). Applicant traverses this rejection. However to expedite allowance, Applicant has amended the claims. In light of the foregoing claims amendments, Applicant believes this rejection to now be moot.

Claims 16 and 27 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Suzuki. Applicant traverses this rejection. However to expedite allowance, Applicant has amended the claims. In light of the foregoing amendments, Applicant believes this rejection to now be moot.

The Examiner has objected to claim 23 as being dependent upon a rejected base claim but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has cancelled claim 23 and amended independent claim 17 to incorporate the limitations of claim 23. Accordingly, Applicant believes claim 17, along with its dependent claims, to patentably distinguish over Suzuki.

Claim 12 recites features similar to claim 23 and although the Examiner did not specifically address claim 12, Applicant believes that claim 12 is allowable for the same reasons as claim 23. Thus, Applicant has cancelled claims 11 and 12 and amended independent claim 1 to incorporate the limitations of claims 11 and 12. Accordingly, Applicant believes claim 1, along with its dependent claims, to patentably distinguish over Suzuki.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-53400/SJC.

Respectfully submitted,



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